

1
2
3
4
5
6
7
8
9

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DAVID DAVIS, et al.,

No. C-07-03365 EDL

11 Plaintiffs,

**ORDER DENYING PLAINTIFF'S
MOTION TO SHORTEN TIME,
SETTING HEARING ON MOTION TO
COMPEL, CONTINUING CASE
MANAGEMENT CONFERENCE AND
ORDERING PARTIES TO MEET AND
CONFER**

12 v.

13 CLEARLAKE POLICE DEPT.,

14 Defendant.

15 /
16 On April 7, 2008, Plaintiffs filed a motion to shorten time to hear their concurrently filed
17 motion to compel on the same date as the further case management conference set for April 29, 2008
18 and sufficiently in advance of the June 6, 2008 settlement conference. Defendant did not file an
19 opposition to the motion to shorten time, which was due no later than the third court day after
20 receiving the motion. See Civil L.R. 6-3(c). Because the Court finds no good cause to hear the
21 motion to compel on a shortened schedule, the motion to shorten time is denied. The motion to
22 compel will be heard on the normal schedule on May 13, 2008 at 9:00 a.m. Defendant's opposition
23 shall be filed no later than April 22, 2008, and Plaintiffs' reply shall be filed no later than April 29,
24 2008. The further case management conference is continued to May 13, 2008. A joint case
25 management conference statement shall be filed no later than May 6, 2008.

26 The Court cautions Plaintiffs that the Federal Rules of Civil Procedure and the Civil Local
27 Rules require that they meet and confer with opposing counsel prior to filing any discovery motion.
28 See Civil L.R. 37-1(a) ("The Court will not entertain a request or a motion to resolve a disclosure or
discovery dispute unless, pursuant to FRCivP 37, counsel have previously conferred for the purpose

1 of attempting to resolve all disputed issues.”). Specifically:

2 “Meet and confer” or “confer” means to communicate directly and discuss in good
3 faith the issue(s) required under the particular Rule or order. Unless these Local
4 Rules otherwise provide or a Judge otherwise orders, such communication may take
5 place by telephone. The mere sending of a written, electronic, or voice-mail
6 communication, however, does not satisfy a requirement to “meet and confer” or to
7 “confer.” Rather, this requirement can be satisfied only through direct dialogue and
8 discussion - either in a face to face meeting or in a telephone conversation.

9 Civil L.R. 1-5(n). It appears from Plaintiffs’ brief that their meet and confer efforts consisted of
10 leaving voice-mail messages, without communicating directly with opposing counsel, one and two
11 days before serving the motion to compel, which does not satisfy the meet and confer requirement.
12 If they have not already done so, the parties shall immediately meet and confer in person or in a
13 telephone conversation in an effort to resolve this discovery dispute.

14 **IT IS SO ORDERED.**

15
16 Dated: April 14, 2008

17 
18 ELIZABETH D. LAPORTE
19 United States Magistrate Judge